

Message

From: Brock, Martha [Brock.Martha@epa.gov]
Sent: 1/12/2021 9:45:26 PM
To: Adams, Glenn [Adams.Glenn@epa.gov]; Amoroso, Cathy [Amoroso.Cathy@epa.gov]; Jones, Connie [Jones.Constance@epa.gov]
CC: Johnson, MaryC [Johnson.MaryC@epa.gov]; Buxbaum, David [Buxbaum.David@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]; Ammon, Doug [Ammon.Doug@epa.gov]; Anderson, RobinM [Anderson.RobinM@epa.gov]; Walker, Stuart [Walker.Stuart@epa.gov]; Openchowski, Charles [openchowski.charles@epa.gov]
Subject: FW: Draft Final ARAR Table
Attachments: ORR Wastewater ARARs TBC Table Adm Decision draft final watermark 2021 01 08.pdf

Importance: High

Below is the footnote from the Administrator's Decision (FN24), which explains what the ARARs table (that would be forthcoming) would address.

Even though the FN is not accurate because it should have said applicable to the discharge of pollutants and relevant and appropriate to the discharge of radionuclides, it at least sets a floor for what the ARARs table would address.

I've attached the one we sent DOE for comparison.

From: Brock, Martha
Sent: Tuesday, January 12, 2021 4:33 PM
To: Johnson, MaryC <Johnson.MaryC@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>
Subject: RE: Draft Final ARAR Table

²⁴ While the DOE does not appear to be challenging the "applicability" of these same CWA regulations to pollutants (e.g., mercury), certain requirements were inadvertently omitted from the FFS that may also be applicable to setting PRGs for the discharge of pollutants, and the FFS must be revised to include these omitted regulations. My staff will provide you shortly with a table that identifies the EPA and Tennessee CWA NPDES regulations applicable to CWA pollutants to be added to the existing ARARs/TBC tables in the Wastewater FFS.

From: Johnson, MaryC <Johnson.MaryC@epa.gov>
Sent: Tuesday, January 12, 2021 4:28 PM
To: Brock, Martha <Brock.Martha@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>
Subject: RE: Draft Final ARAR Table

Martha and I are on the phone - Martha raises the point that this ARARs chart now does not include any regulations which are applicable for pollutants.

That won't work.

From: Brock, Martha <Brock.Martha@epa.gov>
Sent: Tuesday, January 12, 2021 4:20 PM
To: Johnson, MaryC <Johnson.MaryC@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>
Subject: RE: Draft Final ARAR Table

That's right. I'm on the phone with Cathy. She says there's a 5:00p today conference call about the table. But I have not received an invitation (from Greg). **Do you want us to attend?**

Mary is right, that DOE has removed all the ARARs and only the three. The one attached above is the one Peter Wright sent to DOE on 1/8.

From: Johnson, MaryC <Johnson.MaryC@epa.gov>
Sent: Tuesday, January 12, 2021 4:13 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>; Brock, Martha <Brock.Martha@epa.gov>
Cc: Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>
Subject: RE: Draft Final ARAR Table

So all the TN regs re: water quality removed? Just the two DOE regs and 10 minus 5?

Am I reading this correctly?

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Tuesday, January 12, 2021 4:00 PM
To: Brock, Martha <Brock.Martha@epa.gov>
Cc: Johnson, MaryC <Johnson.MaryC@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Buxbaum, David <Buxbaum.David@epa.gov>
Subject: FW: Draft Final ARAR Table
Importance: High

From: Gervais, Gregory <Gervais.Gregory@epa.gov>
Sent: Tuesday, January 12, 2021 3:56 PM
To: Leff, Karin <Leff.Karin@epa.gov>; Monell, Carol <Monell.Carol@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Adams, Glenn <Adams.Glenn@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Fleming, Sheila <fleming.sheila@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Ammon, Doug <Ammon.Doug@epa.gov>; Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Cc: Hockey, David <Hockey.David@epa.gov>
Subject: FW: Draft Final ARAR Table
Importance: High

Hi all! Of course there's a curve ball. Please take a look, and let's plan for a quick call with whoever can join a bit later this afternoon. Thx

Greg Gervais, P.E.
Federal Facilities Restoration & Reuse Office
USEPA OLEM
202-564-4409 (office)
571-289-2998 (cell)
www.epa.gov/fedfac
Follow OLEM on Twitter @EPAland

From: Gervais, Gregory
Sent: Tuesday, January 12, 2021 3:38 PM
To: Wright, Peter <wright.peter@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Hilosky, Nick

<Hilosky.Nick@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Subject: RE: Draft Final ARAR Table

We'll take a look and get back to you ASAP

Greg Gervais, P.E.

Federal Facilities Restoration & Reuse Office

USEPA OLEM

202-564-4409 (office)

571-289-2998 (cell)

www.epa.gov/fedfac

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From: Wright, Peter <wright.peter@epa.gov>

Sent: Tuesday, January 12, 2021 3:36 PM

To: Gervais, Gregory <Gervais.Gregory@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>

Cc: Breen, Barry <Breen.Barry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>

Subject: FW: Draft Final ARAR Table

Greg and Dana

This just came in. I am on a call.

Peter

From: Cooper III, William S. <william.cooper@hq.doe.gov>

Sent: Tuesday, January 12, 2021 3:33 PM

To: Wright, Peter <wright.peter@epa.gov>; Mullis, Jay <jay.mullis@orem.doe.gov>; David Salyers <david.salyers@tn.gov>

Cc: Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Walker, Mary <walker.mary@epa.gov>

Subject: RE: Draft Final ARAR Table

Peter:

The ARAR table provided has been reviewed by our team at DOE. It is our belief that the proposed table goes well beyond the scope of the dispute and could prove to be at odds with the Administrator's decision. We have attempted to redraft the proposed ARAR table to comport with the Administrator's decision for your consideration, which is attached.

Please advise.

Bill

From: Wright, Peter [<mailto:wright.peter@epa.gov>]

Sent: Friday, January 08, 2021 2:56 PM

To: Mullis, Jay <jay.mullis@orem.doe.gov>; David Salyers <david.salyers@tn.gov>

Cc: Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Cooper III, William S. <william.cooper@hq.doe.gov>

Subject: [EXTERNAL] Draft Final ARAR Table

Mr. Mullis and Mr. Salyers,

As promised in Administrator Andrew Wheeler's dispute decision (footnote 24, page 8) and to ensure 'no surprises,' I am sharing a draft final copy of the table that identifies the EPA and Tennessee CWA NPDES regulations applicable to CWA pollutants to be added to the existing ARARs/TBC tables in the Wastewater FFS. We would like to finalize it soon, so I encourage you to review and advise me of any significant questions or concerns you have as soon as possible.

Thank you,

Peter
Peter C. Wright
Assistant Administrator
Office of Land and Emergency Management
1301 Constitution Ave
202-566-0200

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